



United States
Department of
Agriculture

Forest
Service

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Appendix A

Forest Service Response to 2006 30-Day Public Comments

South Branch Kinzua Creek Project

**Marienville Ranger District
Allegheny National Forest**

**Wetmore and Hamlin Townships
McKean County, Pennsylvania**

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The public scoping and 30-day comment period for this project ended December 13, 2006. Comments were received by regular mail and electronic mail (e-mail) from 129 respondents. Of these, 124 were form letters and two of the form letters included additional comments (Sachau and Edain). The following is a list of the individuals/organizations, which provided comments:

Table 1. Respondent and Corresponding Numbers of Comment Letters.

Comment #	Respondent
1	Barbara Sachau
2	Jack Hedlund (Allegheny Forest Alliance)
3	John Grunwald
4	J.W. Peterson
5 ¹	Jim Bensman (Heartwood)
6	Marianne Edain
7	Ryan Talbott (Allegheny Defense Project)
8	Form Letter (124 total)

¹ The comments received from Heartwood for this project are the exact same comments as those received for a previous project, the Trail's End Re-Entry Environmental Assessment (EA). The responses to Heartwood's comments in the Trail's End Re-Entry EA are located in the Project File. Comments include public opinion, scientists call for end to logging National Forests, need for timber sale, biodiversity and forest fragmentation, secondary impacts, impacts on plant and animals in the sale area, Migratory Bird Treaty Act, baseline data, physical environment, fire danger, exotic species, caves, springs, and groundwater, roads, invertebrates and micro organisms, dead and decaying wood, fish and wildlife, bats, unique plant communities, timber theft, recreation, economics, graphics, even-aged management, and Indiana bat (USDA-FS 2004). Most of their concerns were addressed in the analysis for the EA.

Comment # 1-A

"i am very much opposed to the below plans to log over 2000 acres in pennsylvania so that local lumber barons enrich themselves. such logging causes immense erosion. it creates heat islands, increasing global warming. it means more carbon dioxide since trees soak up carbon dioxide. it means stream temperatures increase so that fish die, since trees shade the streams. it means death for wildlife and birds that use those treed areas for home." (Sachau)

Response: Please refer to Chapter 4 of the Environmental Assessment (EA) for the effects of implementing the proposed activities.

Comment # 2-A

"Generally, I support the proposed action as described in Alternative 2. Of the three alternatives, the preferred alternative best achieves the need for change including age class diversity (specifically to maintain a younger age class component) in order to provide for appropriate succession and a wider variety of habitat conditions while at the same time providing timber to meet the needs for wood products." (Hedlund)

Response: Comment noted.

Comment # 2-B

“In addition, I support constructing/rehabilitating barriers to control illegal ATV activity, the use of all reforestation activities including herbicides to control ferns and non-native invasive plants, fencing, fertilization, planting, etc. as well as the use of limestone surfacing to protect stream beds.” (Hedlund)

Response: Comment noted

Comment # 2-C

“I do not support the inclusion of uneven-age treatment to 594 acres as scheduled. The project area does not include any MA 2.0, but rather is entirely zoned for MA 3.0 or MA 6.1. To include this treatment option does not meet the zoning requirements set forth in the current forest plan and therefore is therefore unwarranted.” (Hedlund)

Response: Under the 1986 ANF Land Resource and Management Plan (LRMP), the SBKC project area contained approximately 1,000 acres of MA 6.1. Under the revised ANF LRMP, the entire MA 6.1 and portions of MA 3.0 within the SBKC project area are now within MA 2.2 – Late Structural Linkages. In MA 2.2, vegetation management, primarily uneven-aged management, would provide complex late structural conditions and maintain mast-producing species (USDA-FS 2007a, p. 111).

Comment # 2-D

“The design features and mitigation measures are reasonable for the most part. I do not, however, agree that all windthrow in MA 6.1 needs to remain on the floor to enhance coarse woody debris. Some would be appropriate, but not all. In addition, the directional painting is a bit overboard as is the slash removal restrictions along FR 186 and adjacent stream beads.” (Hedlund)

Response: FR 186 is a visually sensitive road (Concern Level 2). The directional painting and slash disposal design features are proposed to help meet Scenery Integrity Levels guidelines.

As mentioned in the response to Comment 2-C, the portions of MA 6.1 in the SBKC project area are now within MA 2.2 under the revised ANF LRMP. Large woody debris is expected to be a component of the late structural forests characterized by this management area (USDA-FS 2007a, p. 109). The scattered wind-throw trees retained would contribute to the large woody debris component for MA 2.2.

Comment # 3-A

“Of all the alternatives we support #2, because it achieves the most desirable purposes. It helps redress the age class diversity needed to promote regeneration of Cherry as a species by providing more or less appropriate succession, a wider variety of habitat, and better supply of raw material for sawmills, veneer plants, and other secondary processors of hardwood timber.” (Grunwald)

Response: Comment noted.

Comment # 3-B

“We would also like to see a wider use of herbicides and fencing in order to keep out the deer, invasive species and fern. We would not mind seeing ATVs being kept to a

minimum. We also oppose uneven-aged management where it is possible to regenerate Cherry, the most sought after and most valuable species that grows well in the Allegheny.” **(Grunwald)**

Response: *See Response to comment #2-C for discussion of uneven-aged management.*

Comment # 3-C

“We do not agree that windthrow should be kept on the forest floor. Anything that can be salvaged should be salvaged. Only what cannot be salvaged should be left on the ground.” **(Grunwald)**

Response: *Please refer to the response for comment #2-D.*

Comment # 3-D

“We certainly support any activity that creates a healthy new forest consisting mostly of Cherry for future generations to enjoy.” **(Grunwald)**

Response: *Comment noted.*

Comment # 4-A

“Two of the three proposals have this area as delayed shelterwood seed cut, site prep, herbicide and fence. With herbicide catching my attention. My pets (dogs and cats) and my water well being so near the area. Not to mention the amount of groundwater in the proposed area.” **(Peterson)**

Response: *The Forest Service has researched the use of herbicides to minimize dosage using proper formulations, application techniques and timing. The selected herbicides, breakdown quickly in the soil and show little movement within the soil. Trained and certified Forest Service inspectors will survey the units prior to herbicide application. Buffers will be designated around open sources of water to ensure no herbicide enters. Private property boundaries would be buffered at least 10 to 20 feet since the machine applying herbicides would only spray from one side, away from the private boundary into the unit where herbicide is to be applied. One to two months prior to herbicide application, you will receive notification of the Forest Service’s intent to use herbicide. You will also receive 24 hour notice of the actual day of application. For more information, please see The Understory Vegetation Management Final Environmental Impact Statement (FEIS) (USDA-FS 1991) and ANF LRMP FEIS, Appendix G (USDA-FS 2007b).*

Comment # 4-B

“Since I live here and am constantly going through the entire area I can tell you that the damage (ruts causing erosion) done to the pipeline and connecting roads in the area is nearly all do to the gate at FR463 being open nearly all summer(s). 4WD trucks enter FR463 to FR448 to FR448A and hence the pipeline. Gating of the pipeline will not stop this problem as long as FR463 gate remains open. The biggest amount of the soil damage is not due to illegal ATV use.” **(Peterson)**

Response: *The gate referred to above had been damaged and was replaced last year. Illegal ATV use remains a concern within this project area.*

Comment # 6-A

“Here in the Pacific Northwest we are intimately familiar with Forest Service logging proposals. Even when ecosystem destruction is not factored in, these timber sales tend to be "below cost" - the cost to the Forest Service (that is, to us, the taxpaying public) is generally more than the value of the contract. Please provide a cost analysis of the proposed logging before any further action. All other values aside, it is unconscionable to waste taxpayer dollars to damage the public's lands.” (Edain)

Response: The issue of below-cost sales is a national issue beyond the scope of this project. Table 29 on page 153 of the EA displays a cash flow comparison of the alternatives considered in detail. The purpose of the economic analysis in the EA is to compare the relative cost/benefits of the alternatives considered in detail.

Comment # 7-A

“The South Branch Kinzua Creek Project raises serious issues for public consideration and requires an Environmental Impact Statement (EIS) as we will outline more fully in the following pages. This project is the latest in a series of projects where the Forest Service is proposing activities that have major effects on the environment and *not* preparing the legally required EIS as expressed in NEPA. We sincerely hope the Forest Service will reverse this trend. The public deserves, and the law requires, a vigorous environmental analysis process to adequately disclose the environmental impacts from proposed Forest Service actions. The public benefits from a full disclosure because we can provide meaningful comments, which in turn benefits the Forest Service. In other words, a deliberate and in-depth public participation process benefits all parties.”

(Allegheny Defense Project)

Response: This proposal is not one that requires preparation of an EIS (FSH 1909.15, Chapter 30). The purpose of an environmental assessment is to consider and disclose environmental impacts that will help the responsible official in determining whether to prepare an EIS or to issue a finding of no significant impact. The format used to document an environmental analysis is largely at the discretion of the responsible official. The intensity of the analysis is unaffected by whether or not an EA or an EIS is used. Use of an EA does not preclude the later development of an EIS. An EIS is triggered when scoping or the subsequent analysis indicates the proposed action may have a significant effect on the human environment.

Comment # 7-B

“The South Branch Kinzua Creek Project is a major federal action that will significantly affect the quality of the human environment. The Forest Service is proposing thousands of acres of logging and herbicide spraying. These activities are proposed in a relatively small project area that is also the watershed of a state-designated Wilderness Trout Stream.” (Allegheny Defense Project)

Response: Please see Chapter 4 (Effects) of the EA and response to Comment #7-B.

Comment # 7-C

“The significance of the South Branch Kinzua Creek Project must be examined by its context and intensity.¹” (**Allegheny Defense Project**)

Response: Please see response to Comment #7-B.

Comment # 7-D

The context of this project demands the preparation of an EIS. One of the “needs” for this project is the need to market wood based products for local economies. It would seem that if the local economies are so dependent on the amount of logging that occurs in the Allegheny, which we question strongly, that needs to be examined more closely in an EIS. Yet, in Chapter 3 of the so-called Public Comment Package, there are only two short paragraphs regarding economics. And the information contained in these two paragraphs is inaccurate.

For instance, the Forest Service states on pages 78-9:

“Timber sale receipts generated from the ANF are payable to the U.S. Treasury...in 2005, McKean County elected to receive funds from Title I and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (USDA-FS 2005c). This law provides new funds to counties receiving payments for National Forest timber sales. It allows counties to receive enhanced payments and designate a percentage of those payments of forest or county projects, in addition to the traditional uses for schools and roads.”

This completely misrepresents what Congress authorized when it passed the Secure Rural Schools and Community Self-Determination Act. The Forest Service makes it sound as though the counties are receiving payments through this legislation *in addition to* payments from timber sales (i.e., “enhanced payments”). The fact is, however, that this legislation gave counties the option of staying with the old timber sale-dependent option *or* selecting to receive guaranteed payments based on the levels of past logging. McKean County is receiving payments *regardless* of how much logging occurs in the Allegheny. The Forest Service here insinuates that McKean County is more dependent on federal timber sales to generate revenue than is actually the case.

This is significantly different than the Brush Creek Public Comment Package. There, the Forest Service acknowledged that “Title I and II payments to the local counties would occur; however, no monetary return to the federal treasury from timber harvest would happen.” This is clearly different than what is disclosed in the South Branch Kinzua Creek package, and we are unsure how the two Public Comment Packages could be so different in addressing this issue, particularly when they are both products of the same Ranger District. The South Branch Kinzua Creek Public Comment Package misleads the public into believing McKean County depends, in part, on logging in the Allegheny for revenue when it is clearly not true. We, and the public, deserve a detailed response from the Forest Service explaining the obvious discrepancies in these two public comment packages regarding payments to counties.” (**Allegheny Defense Project**)

Response: Please see response to comment # 7-A. Due to incorrect wording, the text referenced in the above comment found on pages 78-79 of the SBKC Public Comment

¹ 40 CFR 1508.27

Package should have read: “Timber sale receipts generated from the ANF are payable to the U.S. Treasury...in 2005, McKean County elected to receive funds from Title I and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (USDA-FS 2005d). This law provides funds to counties in lieu of receiving payments for National Forest timber sales. It allows counties to receive enhanced payments and designate a percentage of those payments of forest or county projects, in addition to the traditional uses for schools and roads.” Also, the Brush Creek Public Comment Package which was referred to above should have read: “Under Alternative 1 Title I and II payments to the local counties would occur; however, no monetary return to the federal treasury from timber harvest would happen.”

The Forest Service regrets these errors and thanks the Allegheny Defense Project for bringing these errors to our attention.

Comment # 7-E

“Returning to context, we are confused as to how the Forest Service determines that economics is one of the three “needs” for the project, yet devotes *less than one page* to economics in the chapters on the affected environment and summary of anticipated effects. In fact, the amount of space given to economics in the purpose and need section is about as long as the discussion in the rest of the Public Comment Package. It seems to us that an issue that warrants little to no discussion in the main chapters of the analysis cannot be one of the main purposes for the project – otherwise, there would be significantly more discussion. So this leaves two options. Either the Forest Service exaggerates the importance of logging in the Allegheny National Forest as a means to justify continued federal logging (which would explain the lack of information) or the Forest Service has information on the importance of federal logging to local communities but is not disclosing it in the Public Comment Package. Either is unacceptable.

The Forest Service, if it is to make such broad statements such as, “there is a need to provide timber to meet people’s demand for wood products such as furniture, paper, fiber, and construction materials,” must provide at least some evidence of this demand. There is no evidence in the public comment package of the public’s demand for these products, much less from the Allegheny National Forest. Additionally, the Forest Service states that the demand is based on past timber sales. How long ago is “past?” Is the demand as strong now as it was one year ago? Two years? Five? Ten? There could be a downward trend in demand over the past couple of years but the way the Forest Service poses the statement, what occurred ten years ago has just as much weight as recent trends, which is highly flawed.” (**Allegheny Defense Project**)

Response: *The demand for timber was addressed in the 1986 FEIS for the ANF LRMP (p. B-80). The demand for timber was addressed in Section 3.4.6 (Forest Products) in the FEIS for the revised ANF LRMP. The FEIS (p. 3-387) states “...there is no indication of any need to change the 1986 Forest Plan’s conclusion that the demand for ANF hardwood sawtimber exceeds supply.”*

Comment # 7-F

“Turning to intensity, one of the factors the Forest Service must consider here is the fact that South Branch Kinzua Creek is a Wilderness Trout Stream.² Virtually, if not all, of the project area is within the Wilderness Trout Stream portion of South Branch Kinzua Creek watershed, which also serves as the headwaters. These two factors alone warrant a more in depth analysis than was provided in this Public Comment Package.

The Pennsylvania Fish and Boat Commission (PFBC) states that,

“Wilderness trout stream management is based upon the provision of a wild trout fishing experience in a remote, natural and unspoiled environment where man's disruptive activities are minimized.”³

The Forest Service must manage this area in accordance with state water quality standards. Water quality criteria state that water may not contain substances attributable to point or a non-point source discharge in concentrations or amounts sufficient to be inimical or harmful to the water uses to be protected. In this case, the water use to be protected is a Wilderness Trout Stream that is also a High-Quality Cold Water Fishery (HQCWF), so the Forest Service must not implement a project that degrades that designation.⁴ Note that this language goes beyond just issues of water quality. The standard for South Branch Kinzua Creek also includes a requirement to provide a “wild trout fishing experience in a remote, natural and unspoiled environment where man’s disruptive activities are minimized.” This is far different than what the Forest Service says on page 40 of the Public Comment Package:

“The South Branch of Kinzua Creek is designated a Wilderness Trout Stream from its confluence with Hubert Run upstream to its headwaters. Therefore all streams should be managed in a way that maintains and/or propagates fish species as well as flora and fauna, which are indigenous to a cold-water habitat.”

The Forest Service completely misses the point that to manage for a Wilderness Trout Stream, they must manage for a “fishing experience in a remote, natural and unspoiled environment where man’s disruptive activities are minimized.” Logging over 2,200 acres is sure to alter the “remote, natural and unspoiled environment” for which South Branch Kinzua Creek is designated. Additionally, logging over 2,200 acres within a watershed where “man’s disruptive activities” are supposed to be “minimized” is contrary to the spirit for which this creek has been designated. Even if the stands are not near South Branch Kinzua Creek proper, the cumulative effects of proposed activities in other parts of the project area can have impacts on the Wilderness Trout Stream fishing experience and/or other water quality criteria. Thus, the Forest Service most likely will not be in compliance with state water quality criteria if it implements this project. At a minimum,

² 40 CFR 1508.27(b)(3)

³ http://sites.state.pa.us/PA_Exec/Fish_Boat/wild98.htm

⁴ All streams included in the Wilderness Trout Stream program qualify for designation as Exceptional Value (EV) waters.⁴ This is the highest stream designation in Pennsylvania. As we mention, South Branch Kinzua Creek is currently a HQCWF, but could be designated an EV water upon further review by the DEP. This project could bias that future analysis.

this is more evidence of the need for an EIS because the Public Comment Package is insufficient in detailing how the Wilderness Trout Stream designation will be maintained along South Branch Kinzua Creek.” (**Allegheny Defense Project**)

Response: *The Pennsylvania Fish and Boat Commission (PBFC) criteria for Wilderness Trout Streams do not restrict vegetation management within Wilderness Trout Stream (WTS) watersheds. The criteria does limit open public roads within 1/4 of a mile that parallel a Wilderness Trout Stream (WTS), more than one crossing every two stream miles on open roads, and ATV/OHM trail construction within the watershed. The SBKC does not propose changes to road management, road construction, or trail construction that would not meet these criteria (see Section 4.1.2 of EA).*

The design features in SBKC are consistent with the PA Department of Conservation and Natural Resources (PA DCNR) Forest Management Plan and the PA Department of Environmental Protection’s Best Management Practices for watersheds with High Quality Cold Water Fisheries and Wilderness Trout Streams. Since ANF design features will meet or exceed the PA Department of Environmental Protection’s Best Management Practices, they will meet the goals of the Clean Water Act to protect water quality from non-point source pollution. On State Forest Lands, the PA DCNR allows for vegetation management within Wilderness Trout Stream (WTS) watersheds. The PA DCNR does not allow timber harvesting within 200 feet of WTS, but they do allow for salvage harvesting. The SBKC project follows these same guidelines, except there is no salvage harvest within 200 feet of South Branch of Kinzua Creek. This project does propose under-planting and other wildlife treatment proposals within 200 feet of SBKC that will not negatively affect the Wilderness Trout Stream corridor (see Section 4.1.2 of EA). Over the long term, they could benefit wildlife and shading along the stream.

Comment # 7-G

“The Forest Service is proposing the South Branch Kinzua Creek project using a new format through this “Public Comment Package.” According to the scoping notice, the Forest Service is:

“requesting public input for both the scoping and 30-day comment periods.”

This is based on an inventive interpretation of recent changes to the public notice and comment regulations. The scoping notice continues:

“The 36 CFR 215 regulations state that ‘The Responsible Official shall...determine the most effective timing for publishing the legal notice of the proposed action and opportunity to formally comment.’ As the Responsible Official, I have determined that now would be the most effective time for the 30-day notice and comment period. This constitutes notice of opportunity to comment on the South Branch Kinzua Creek Project (36 CFR 215.5). We do not plan to have another comment period for this project.”

This is a significant departure from the usual means of carrying out the public notice and comment process. Typically, the Forest Service sends a scoping notice to the public soliciting comments on a project in its initial stage of development. This allowed the Forest Service to perhaps identify an issue early in the process and include or exclude it later in the EA part of the process. Then the EA would be released for a 30-day comment

period followed either by the preparation of an EIS or a finding of no significant impact (FONSI).

Now, however, the Forest Service is combining the scoping notice and 30-day comment periods for the EA before the public has even seen the EA. This is ridiculous! This Public Comment Package is not a substitute for the EA, yet the Forest Service is using the Public Comment Package to start the clock for commenting on the EA. There is nothing in the Chapter 215 regulations that allows the Forest Service to do this. The regulations do not explicitly state, nor do they implicitly imply, that the Forest Service may combine the comment periods. The scoping notice actually provides a good reason why this is not an appropriate process:

“The full environmental analysis of effects is currently ongoing and the completed Environmental Assessment will include a detailed analysis and disclosure of these effects.”

So the Forest Service is denying the public the opportunity to review and provide comments on the completed EA because, as the scoping notice also states, “We do not plan to have another comment period for this project.” This creates a situation where the public is not capable of making an informed decision on the EA because it is not yet completed and available for review but when the EA is complete, the comment period will have already expired. This allows the Forest Service to solicit comments and then make changes in the EA that could dramatically differ from the Public Comment Package, leaving only the appeal period for recourse. This would appear to increase the likelihood of litigation rather than decrease it.

The Public Comment Package itself addresses the format of this commenting process. On page 16, the package similarly states:

“For this project, we are requesting public input for both formal scoping and 30-day comment periods at this time. Regulations (36 CFR 215) *direct* the Forest service to seek public input at a point in the planning process when a detailed project proposal and preliminary analysis of effects is available. We are at the point in the process where a formal 30-day public comment period is most likely to be meaningful. This public involvement process, *authorized* under new planning regulations (36 CFR 215, dated June 4, 2003), is designed to provide the public with a concise Public Comment Package for review and provide the opportunity for site specific comments.” (emphasis added)

The Forest Service erroneously asserts that the regulations “direct the Forest Service to seek public input at a point in the planning process when a detailed project proposal and preliminary analysis of effects is available.” That is not what the regulations state. The regulation at question states that the Responsible Official shall “Determine the most effective timing for publishing the legal notice of the proposed action and opportunity to comment.”⁵ The Forest Service is taking liberty in its regulatory construction to assert that this regulation *directs* or *authorized* the agency to start the clock for commenting on the EA before the EA is complete and available for review. It is uncertain how the Forest Service came to the conclusion that it would be most meaningful to have the 30-day

⁵ 36 CFR 215(a)(2)

comment period for the EA before the EA has been completed, but it is certainly not what was intended by the regulation or Congress.

The public interest outweighs the Forest Service's interest to expedite the environmental analysis process. We urge the Forest Service to consider this as the scoping comment period and have another comment period when the EA is complete and available for review by the public, though we still believe that an EIS is the appropriate analysis that needs to occur here." (**Allegheny Defense Project**)

Response: *The SBKC EA was not completed prior to release of the revised ANF LRMP in March 2007. Therefore, we are now providing the SBKC environmental assessment for public review with another formal 30-day comment period.*

Comment # 7-H

"The Forest Service proposes an array of logging activities in this project. The Forest Service proposes over 2,200 acres of logging. Approximately 600 acres are proposed for uneven-aged management. The majority of this acreage is planned for "Restore Understory Mature Forest Conditions" (RUMFC) and Group Selection cuts. The Forest Service plans RUMFC cuts on the first entry followed by Group Selection cuts.

In theory, this sounds like a step in the right direction for the Forest Service. But we are concerned that this is a wolf in sheep's clothing. The Public Comment Package relies, in part, on the proposed Forest Plan as supporting documentation. The proposed Forest Plan, however, states that selection cuts remove 30 to 50 percent of the trees. This is commercial thinning, not group selection. Authors worldwide agree that a group becomes a clearcut ecologically when most of the opening (greater than 50%) starts to have the same environmental regime as a large clearcut.⁶ Of course, if a group selection cut becomes a clearcut ecologically speaking at 50.1%, it seems convenient for the Forest Service to claim they are doing uneven-aged management by removing up to 50% of the canopy in any given stand. In other words, if there is a scale with group selection at one end and clearcutting at the other end, the Forest Service is clearly on the boundary between the two silvicultural systems.

Further evidence for our concern again can be gathered from the proposed Forest Plan, which the Forest Service relies on for this project. The proposed Forest Plan, in describing the selection cut process, states:

"Like a shelterwood treatment, the disruption in the upper canopy, additional sunlight, and growing space enables new tree seedlings to become established. Selection cutting is expected to result in establishment of a mix of mid-tolerant and shade-intolerant species such as birch, red maple, black cherry and white ash, along with shade tolerant species such as American beech, sugar maple and eastern hemlock. Most of the shade-intolerant regeneration will not survive, however, without removal of additional overstory trees through a subsequent group selection harvest... Removal of overstory groups would result in rapid growth and development of tree seedlings, shrubs and herbaceous understory vegetation and would promote the development of primarily mid-tolerant tree species, with lesser amounts of shade intolerant species." (emphasis added)

⁶ <http://www.for.gov.bc.ca/hfp/training/00014/varselec.htm>

There is clearly a problem when the first sentence describing the selection cut process begins with the words, “like a shelterwood treatment.” Shelterwood, of course, is even-aged, not uneven-aged management. The proposed Forest Plan then states that black cherry and white ash are among the desired species. These are the main components of the so-called Allegheny hardwoods, which develop through even-aged management. Black cherry would commonly not occur in any significant amount in an uneven-aged forest on the Allegheny Plateau. Historical surveys, when the Allegheny Plateau was predominantly uneven-aged and had a much greater proportion of shade-tolerant species, showed that black cherry was rare, usually less than 2% of the overstory.⁷

Black cherry should not even be a consideration in uneven-aged stands. But, as the proposed Forest Plan again states, the idea in group selection is to “promote the development of *primarily* mid-tolerant tree species, with lesser amounts of *shade intolerant* species.” This is clearly even-aged management. The Forest Service is proposing to remove up to 50% of the overstory to promote the development of primarily mid-tolerant species, with lesser amounts of shade-intolerant species.” (**Allegheny Defense Project**)

Response: *The RUMFC treatment is a multi stage process that is designed to create a stand with groups of varying age classes within it, allowing a more complex vertical structure to develop. The initial treatment is a single tree selection that will be applied non-uniformly across the stand. Like a shelterwood seed cut, a selection cut is also used to stimulate seedling germination and establishment on the forest floor. This treatment may remove 30% to 50% of the trees and will be followed up by various reforestation treatments such as herbicide, fencing, and/or site preparation. Portions of the stand may remain untreated. Once adequate seedlings occur, usually in 3 to 8 years, a group selection treatment would occur. The placement of the openings would be non-uniform over patches of available seedlings and would vary in size depending upon the species of available seedlings. The more shade tolerant seedlings available the smaller the opening (ie. ¼ acre), conversely, the more shade intolerant seedlings available the larger the opening (ie. 3 acres). The opening size depends on the biological requirements of the preferred tree species and other resource objectives. The area of the openings created by the group selections would occupy 10% to 20% of the stand area. Entries would occur over an extended rotation of approximately 40 years.*

Comment # 7-I

“The Forest Service proposes nearly 1,000 acres of herbicide spraying to facilitate the growth of Allegheny hardwoods, particularly the commercially valuable black cherry. The continued perpetuation of this artificial forest type is a forest health concern. The Forest Service must prepare an EIS to determine the effects of this amount of herbicide spraying within a state-designated Wilderness Trout Stream watershed.” (**Allegheny Defense Project**)

Response: *The Forest Service proposes herbicide spraying to control vegetation that is preventing sufficient sunlight from reaching the forest floor. Sunlight would stimulate*

⁷ Whitney, G.G., *The History and Status of the Hemlock-Hardwood Forests of the Allegheny Plateau*, (1990)

germination and establishment of available tree seeds. As with any species, a monoculture, or nearly so, is a forest health concern since pest and diseases will flourish in such areas. The Forest Service strives to obtain a diversity of tree seedlings and uses various silvicultural techniques to work toward this goal.

The Forest Service has completed water quality monitoring in streams adjacent to herbicide treatments. This monitoring has shown that herbicide standards and guidelines are effective at protecting water quality (see Sections 4.1.2 and 4.3.5 of the EA).

Comment # 7-J

“The combination of even-aged logging with herbicide application is the recipe by which the Forest Service farms black cherry in the Allegheny. This has led to the dominance of black cherry when it is a naturally rare species on the Allegheny Plateau. It has also led to a forest health crisis that may pose serious problems in coming years. Recent forest health studies have revealed significant correlation between the amount of black cherry in the Allegheny and the severity and occurrence of insect defoliations.⁸ Herbicide spraying is contributing to this, in part, by exacerbating the acidification of forest soils.”

(Allegheny Defense Project)

Response: Prior to Forest Service ownership, harvesting practices during the 1890’s through the mid 1930’s created favorable conditions for black cherry as well as other uncommon tree species (ie. red maple, cucumber tree, yellow poplar) to germinate, become established and then dominate the site. As with any species, a monoculture, or nearly so, is a forest health concern since pest and diseases will flourish in such areas. The Forest Service strives to obtain a diversity of tree seedlings and uses various silvicultural techniques to work toward this goal.

As for the statement that herbicide application is exacerbating the acidification of forest soils, there is not enough background information as to where this comment came from; therefore, we cannot adequately and accurately respond. Please see the ANF LRMP, Appendix G, pp. G1-42 through 44, 104 through 107 and G2-33).

Comment # 7-K

“The reason the Forest Service uses this recipe for black cherry farming is directly related to the value of black cherry. It is well known that black cherry is one of the most valuable hardwoods in North America. It is no coincidence that the Forest Service wants to perpetuate its growth despite forest health concerns and the dangers of widespread herbicide application. The Forest Service must not base its decision to propose logging primarily on the dollar value of the trees.”⁹ **(Allegheny Defense Project)**

Response: Please refer to Section 1.4 (Purpose for the Proposed Action) and Section 1.5 (Need for the Action) of the EA.

Comment # 7-L

⁸ Morin, et al. *Analysis of Forest Health Monitoring Surveys on the Allegheny National Forest (1998-2001)*, (2006).

⁹ 16 USC 1604(g)(3)(E)(iv)

“There are two unroaded areas in the South Branch Kinzua Creek Project Area. The South Branch Kinzua West and South Branch Kinzua East Unroaded Areas are the standard by which the Forest Service should be managing within a watershed that is a Wilderness Trout Stream. The presence of these unroaded areas should serve as the foundation for providing a “wild trout fishing experience in a remote, natural and unspoiled environment where man’s disruptive activities are minimized,” as the PFBC states is the purpose behind the Wilderness Trout Stream designation.

The Forest Service actually states that the South Branch Kinzua West Unroaded Area could be expanded.¹⁰ Additionally, the Roads Analysis Report reveals for South Branch Kinzua West:

- Less than 5% developed
- Highest score for unique habitat (unique vegetation composition &/or structure + presence of many within stand features and unique habitat components)
- Occupied habitat by PETS species that are know to be sensitive to human disturbance.
- Connectivity at the watershed scale
- High Quality, Cold Water Fishery

The Roads Analysis Report reveals for South Branch Kinzua East:

- Less than 5% developed
- Highest score for unique habitat (unique vegetation composition &/or structure + presence of many within stand features and unique habitat components)
- High potential habitat for PETS species, which are sensitive to human disturbance.¹¹
- Connectivity at the watershed scale
- High Quality, Cold Water Fishery

The Roads Analysis Report states that,

“the presence of aquatic TES species highlights the importance of the area for habitat of a particular species. The rationale for including the criteria is that TES habitat requires special consideration for protection, and unroaded areas would eliminate the risk of water quality degradation often associated with the presence of roads on the landscape.”

This is further evidence that the best way to protect and manage the South Branch Kinzua Creek watershed to maintain the water quality is to preserve these unroaded areas and manage the remainder of the project area similarly. This, of course, would not include thousands of acres of logging and herbicide spraying and/or additional road construction.” (**Allegheny Defense Project**)

Response: *The decommissioning of FR 463B will increase the size and change the shape of South Branch West (#44) by approximately 50 acres. There is no known occupied aquatic TES habitat within the South Branch Kinzua Creek project area boundary. All known occurrences of aquatic TES species are located downstream outside of the project area, but within the Cumulative Impact analysis area. The Biological Evaluation (BE) concluded that all potential TES habitat will be protected in South Branch riparian*

¹⁰ USDA-FS, Forest-Wide Roads Analysis Report, Allegheny National Forest, (2003)

¹¹ The RAR also states the SBKEUA does have TES species present on page 55.

corridor. The implementation of ANF LRMP standards and guidelines and project design features will protect water quality and give preferential treatment to riparian areas. The size of unroaded areas would be increased in South Branch Kinzua Creek project. The effects to unroaded areas are discussed in Chapter 4, Section 4.1.3 of the EA. The Northend Roads Analysis project (NERAP) is not a decision process nor does it constitute a major federal action requiring National Environmental Policy Act (NEPA), but rather, is a tool to improve decision making and help formulate various alternatives during the NEPA process. The SBKC project covers only the southern portion of the NERAP boundary.

Comment # 7-M

“The Public Comment Package states that the ID team identified three significant issues. We assume there are actually four significant issues, since that is how many are actually listed.” (**Allegheny Defense Project**)

Response: *This was an error, as the ID team did identify four significant issues. We thank the Allegheny Defense Project for bringing this to our attention.*

Comment # 7-N

“The Public Comment Package gives yet another good reason why the public participation process for this project is not appropriate. The package states,

“additional issues may be identified during this comment period and *additional alternatives may still be developed.*” (emphasis added)

It is inconceivable that Congress intended the public to review and comment on a proposal before the EA is completed and then leave only the appeal period as recourse when it leaves the agency the ability to develop additional alternatives. We can already see the Forest Service abusing this situation. For instance, if we were to appeal the Forest Service over this proposal, with one of our appeal points being that the Forest Service developed an alternative *after* the official comment period closed, but *before* the EA was available for review, the Forest Service could conceivably state that we failed to exhaust our administrative remedies during the comment period and therefore were precluded from raising it as an appeal point.” (**Allegheny Defense Project**)

Response: *Please see response to Comment #7-G.*

Comment # 7-O

“The Forest Service has not provided a broad range of alternatives in this proposal. There are only two action alternatives and the mandated no-action alternative. Alternative 2 and Alternative 3, the two action alternatives, are virtually identical to each other. The only significant difference between the two alternatives is the amount of logging – and even that is not much of a difference because only 53 acres of logging in the South Branch Kinzua Creek valley were dropped in Alternative 3. This is not responsive to the preliminary issue #2.

This suggests that logging was the only real consideration of this proposal. For instance, the figures for Wildlife Habitat Enhancements, Non-Native Invasive Plant Species Control, and Soil and Water Restoration Activities are identical between the two action

alternatives. The Forest Service needs to redo the analysis, this time with the preparation of an EIS.” (**Allegheny Defense Project**)

Response: *Alternative 3 was developed to help address the four significant issues by 1) dropping 0.6 miles of new road construction which results in a decrease of 75 acres of timber harvest, which is responsive to issue 1 (no new road construction); 2) dropping 53 acres of timber harvest which is responsive to issue 2 (active timber management in the South Branch Kinzua Creek valley); 3) dropping 172 acres of even-aged management and adding 123 acres of uneven-aged management which is responsive to issue 3 (use of uneven-aged management); and 4) dropping 267 acres of timber harvest (191 acres in MA 3.0 and 76 acres in MA 6.1) which is responsive to issue 4 (dispersal of treatments). Ten alternatives were also considered but eliminated from detailed study.*

Comment # 7-P

“The amount of roads in the Allegheny National Forest is staggering and is a serious cause for concern in terms of forest fragmentation and water quality degradation. Any new road construction and/or reconstruction, improvement, and maintenance must be carefully considered, particularly since this watershed contains a Wilderness Trout Stream. The Forest Service, according to the Public Comment Package, proposes 2.8 miles of road construction and 14.2 miles of road maintenance. We are seriously concerned that the Forest Service is not applying the appropriate terms when disclosing their intentions to the public.

For instance, road maintenance is defined in the Public Comment Package on page 14 as,

“the ongoing upkeep necessary to retain or restore a road to its approved road management objective... [this] may include a variety of activities such as roadside brushing, surfacing, culvert replacement, as well as the installation of sediment basin, and surface and ditch armoring.”

Some of these activities could qualify as road improvements, which denotes a change in the travel service level of the road. For instance, road surfacing, the installation of sediment basins, and surface and ditch armoring could improve the condition of the road to the point that many more people will travel on the road. This does not seem like mere road maintenance where the current road service level is supposed to be maintained. This does not mean that we do not support measures that will improve stream quality by reducing sedimentation resulting from poor road conditions. We are simply concerned that the Forest Service will improve the road to the point of allowing more access, which could be problematic in the future. It is also our concern that this may pave the way for greater access for oil and gas drilling, which would be a significant concern in this watershed.” (**Allegheny Defense Project**)

Response: *The definition of road maintenance is the upkeep of a road necessary to retain or restore the road to approved road management objective (FSM 7712.3). Activities such as roadside brushing, surfacing, culvert replacement, as well as the installation of sediment basins and surface and ditch armoring, are not considered improvements since these activities do not result in an increase of an existing road’s traffic service level, do not expand its capacity, or change its original design function. There are several uses of roads and one of our major concerns is for the safety of road users; therefore, we have to retain or restore the road to approved road management objective. People use roads in*

the SBKC project area for access to dispersed recreation, fishing, hunting, oil and gas developments, gravel pits, private land, and special uses.

Comment # 7-Q

There are approximately 4,000 miles of roads in the Allegheny. This is an extremely high amount of roads for a forest that is just over 500,000 acres in size. There are just as many roads in the Tongass National Forest which is over 17 million acres in size. Even national forests closer to home do not have road mileage figures like the Allegheny National Forest. The White and Green Mountain National Forests, both relatively similarly sized as the Allegheny, have far fewer roads. The Allegheny needs fewer roads, not more.

Response: *This comment is beyond the scope of the SBKC project; however Alternative 3 includes no road construction using new corridor and 2.1 miles of road decommissioning. Existing corridors would be utilized for the proposed new road construction in alternatives 2 and 3 and no new corridors are proposed in alternative 3, with only 0.1 mile of new corridor proposed in alternative 2.*

Comment # 7-R

“We object to the expansion of existing stone pits and/or the development of new stone pits in the Allegheny National Forest, including this project area. The Forest Service proposes to expand three existing stone pits an additional acre each (and another downward) and to develop a new two-acre stone pit. This is an issue that warrants additional analysis because it is literally deforestation. Even when pits are inactive, they are rarely, if ever, restored to a forested condition. This is because the topsoil is gone so only the hardiest of species can survive. There are hundreds of these stone pits scattered across the Allegheny. There needs to be a comprehensive assessment of the impact of these stone pits at both the project level and at the forest level.

The Public Comment Package states on page 24 that stone pits “will be seeded and planted with native species that will benefit all wildlife” once inactive. The phrase “benefit all wildlife” is probably a little too optimistic. More interesting, however, is that the inverse of this must mean that the development of stone pits *does not benefit any wildlife*. It follows, then, why the Forest Service allows such destructive impacts to occur in the first place, particularly for road construction in an already densely roaded national forest.

It is time the Forest Service begins a massive overhaul of their road management policy in the Allegheny. To start, no new road construction should occur in this project either in new or existing corridors. Roads that are used only to perpetuate the goals of black cherry propagation should be decommissioned entirely. We support the Forest Service’s proposal to decommission the road segments identified in the Public Comment Package. They need to be fully decommissioned, though; not just simple gated with grass seed thrown down. The decommissioned roads should be regraded as much as possible to the natural contour of the land and replanted with native tree species appropriate for the site characteristics.” (**Allegheny Defense Project**)

Response: *Thank you for the comment. The wording “all wildlife” has been replaced with the words “a variety of wildlife”. Un-reclaimed stone pits may benefit a number of wildlife species, and would include serving as potential basking and foraging areas for reptiles as well as amphibian usage of small vernal pools on some pit surfaces or in*

cracks and crevices of some rock faces. Avian predators may utilize the pits to prey on rodents who seek refuge in the rocks cracks and crevices. Upland game birds and songbirds may utilize the openings created by pit development for “bugging” and feeding. Re-claimed stone pits planted with native grasses or soft mast producing tree and shrubs are important areas for ground nesting birds, brood rearing birds, as well as foraging areas for larger mammals such as deer, bear, or turkey. Wildlife nest boxes are often installed on the edge of these reclaimed pit openings to provide cavity nesting opportunities for songbirds, bats, or other tree dwellers.

Existing corridors will be utilized for the proposed new road construction in alternatives 2 and 3 and no new corridors are proposed in alternative 3, with only 0.1 mile of new corridor proposed in alternative 2. The roads proposed for decommissioning would be blocked and re-vegetated since they are located on the plateau top and on slopes so gradual that re-contouring is not needed.

Comment # 7-S

“We request that the Forest Service consider oil and gas drilling more in depth in the EA. Oil and gas drilling is a significant issue on this forest and if development should occur in this area as it has elsewhere, the it is possible that the Wilderness Trout Stream experience could be completely lost. The Forest Service has the responsibility as the surface owner, to protect in the public trust the surface of the Allegheny. The Forest Service should object to any and all oil and gas wells proposed in this area that they are aware of at the time of the decision for this project. The Forest Service should notify the DEP of the unique qualities of this watershed so they can make a more informed decision about whether to permit oil and gas drilling.” **(Allegheny Defense Project)**

Response: *This comment is beyond the scope of this project. Past, present, and foreseeable effects from oil and gas developments within the SBKC project area are analyzed in the EA (see Section 4.1.5).*

Comment # 7-T

“The CE analysis in the Public Comment Package is insufficient. It brushes over CE’s in just a few pages without discussing key issues in depth, such as the impact of this proposal in relation to past and future actions, the on-going activity of private oil and gas drilling, acid deposition, ground level ozone, insect defoliations, among others. We request the Forest Service redo the CE analysis for this project and prepare EIS.” **(Allegheny Defense Project)**

Response: *Chapter 4 (Summary of Anticipated Effects) of the SBKC Public Comment Package provided a summary of anticipated direct, indirect, and cumulative effects. An in-depth analysis of effects is included in the EA.*

Comment # 8-A

“I think a watershed that includes a Wilderness Trout Stream should be protected for the purposes in which it was designated. This would also be in keeping with the purposes for which the Allegheny National Forest was designated – watershed protection.” **(Form Letter)**

Response: *Please see responses to comments #7-F, 7-I, and 8-B.*

Comment # 8-B

"I object to the logging of over 2,200 acres within the South Branch Kinzua Creek watershed. The Pennsylvania Fish and Boat Commission (PFBC) states that "Wilderness trout stream management is based upon the provision of a wild trout fishing experience in a remote, natural and unspoiled environment where man's disruptive activities are minimized." Clearly, logging over 2,200 acres within a watershed where "man's disruptive activities" are supposed to be "minimized" is contrary to the spirit for which this creek has been designated." **(Form Letter)**

***Response:** The PFBC designated 7.1 miles of the South Branch Kinzua Creek as a Wilderness Trout Stream. This entire segment is located outside of the SBKC project boundary and stretches from the headwaters of South branch Kinzua Creek to Hubert Run (located at the northwest edge of the project boundary). Proposed vegetation management would not be visible or otherwise apparent from the designated segment.*

Comment # 8-C

"Water quality criteria state that water may not contain substances attributable to point or a non-point source discharge in concentrations or amounts sufficient to be inimical or harmful to the water uses to be protected. In this case, the water use to be protected is a Wilderness Trout Stream, so the Forest Service must not implement a project that degrades that designation. Logging over 2,200 acres is sure to degrade the "remote, natural and unspoiled environment" for which South Branch Kinzua Creek is designated. Thus, the Forest Service will not be in compliance with state water quality criteria if it implements this project." **(Form Letter)**

***Response:** Please see response to Comment #7-F.*

Comment # 8-D

"I object to any activities that will impact the two unroaded areas in the project area. The South Branch Kinzua West unroaded area is one of the few unroaded areas in the Allegheny that the Forest Service has identified for potential expansion. This project, however, is likely to eliminate the potential for future expansion of this unroaded area. The Forest Service should be protecting these unroaded areas, not logging in and/or around them." **(Form Letter)**

***Response:** Under Alternatives 2 and 3, South Branch Kinzua West # 44 would increase in size due to the decommissioning of FR463B. The effects to unroaded areas are discussed in Chapter 4, Section 4.1.3 of the EA. Please also see response to comment 7-L.*

Comment # 8-E

"Please withdraw the South Branch Kinzua Creek project from consideration and instead adopt the proposals outlined in the Allegheny Defense Project's Allegheny Wild! proposal for forest and watershed restoration." **(Form Letter)**

***Response:** Comment noted. This comment has been addressed at a higher level in the FEIS for the revised ANF LRMP (p. 2-14 through 2-26).*